

Application No.: 09/846,150  
Response dated: July 19, 2004  
Response to OA dated: June 29, 2004

### **Remarks**

The above Amendments and these Remarks are in reply to the Office Action mailed June 29, 2004. The fee for addition of new claims (or conversion of claims from dependent form to independent form) is included herewith.

Claims 1 and 16 have been amended to include the limitation that the number of levels in the cured material is at least about 3. Support for this lower limitation is found in claims 14 and 24.

New claims 35-66 generally parallel original claims 1-34 except that the independent claims 35 and 49 include the limitation that the incremental step heights of the relief profile in the layer of cured material are small relative to the intrinsic roughness of the cured material. This limitation was found in original claim 15 and 26.

Claims 1, 2, 5, 8, 16-18, 25, 27, 29 and 30 were rejected under 35 U.S.C. §102(b) as being anticipated by U.S. Patent No. 5,989,776 to Felter, et al. The reference discloses a bi-layer photoresist that is formed by depositing a thick planarizing layer which is then covered with a thin edge-resistant imaging layer on the surface of a silicon or other wafer. (Col. 5, lines 46-67). As shown in Figure 3c of the reference the bi-layer photoresist material defines a saw tooth two-level structure. In contrast, as defined in independent claims 1 and 16, the number of levels in the cured material of the relief profile is at least about 3.

Claims 3, 4, 6, 7 and 19-22 were rejected under 35 U.S.C. §103(a) as being unpatentable over Felter et al. in view of U.S. Patent No. 6,048,652 to Nguyen et al. The secondary reference is said to teach, among other things, alternating layers of Mo and Si that includes 10 to 200 layers pairs with a periodicity of about 2nm to 100 nm.

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Applicants submit that even if the secondary reference teaches the art as suggested by the Examiner, it nevertheless does not cure the efficiencies of the primary reference.

Finally, claims 9-15, 23, 24, 26 and 31-34 were objected to as being dependent upon a rejected claim but would be allowable if rewritten in independent form.

Applicants submit that in view of the amendments to independent claims 1 and 16 that claims 1-34 are in condition for allowance. In addition it is submitted that new claims 35-66 are also in condition for allowance since these include the limitations presented in claims 15 and 26.


The pending Office Action was sent to Applicants' legal representative at the previous address. It should be noted that a change of address was sent on or about December 17, 2002 for this case and it was duly recorded by the U.S. Patent and Trademark Office. Future correspondence should be sent to the undersigned at the current address.

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The Commissioner is authorized to charge any underpayment or credit any overpayment to Deposit Account No. 06-1325 for any matter in connection with this response, including any fee for extension of time, which may be required.

Respectfully submitted,

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